

REMARKS

Claims 1-55 are presently pending in the application. Claims 1, 2, 14-24, and 36-55 were rejected under 35 U.S.C. 102(e) as being anticipated by U. S. Patent No. 6,305,019 ("Dyer"). Claims 3-13 and 25-35 were rejected under 35 U.S.C. 103(a) as being unpatentable over Dyer in view of U. S. Patent No. 6,088,346 ("Du").

Applicant believes claims 1, 4, 6-17, 19-23, and 26-44, as amended, are patentable over the cited art for at least the reasons stated hereinbelow. Claims 2, 3, 5, 18, 24, 25, and 40 were canceled.

Independent claim 1, as amended, is directed towards transmitting unicast and multicasted packets to a plurality of subscribers and the processes associated with their transmission. Referring to FIG. 7A of the present application, multimodulator 700 includes a plurality of modulators 708a-d each having an output port. When a packet is determined to be a multicast packet, the packet is provided to more than one of the modulators 708a-d for transmission by first processing (e.g., encrypting) the packet and subsequently copying the packets according to how many modulators were determined to transmit the multicasted packet. On the other hand, when a packet is determined to be a unicast packet, the packet is processed and not copied. A data unit header including the specific modulator is appended to each of the unicast and multicast packets (including the copied packets). In accordance with the data unit header, the packets are then provided to a buffer that is associated with the transmitting modulator. Subsequently, prior to transmitting, the data unit header is stripped from the packet and then modulated for transmission.

It is respectfully submitted that Dyer or Du, either alone or in combination, do not render independent claim 1 and dependent claims 4, 6-17, and 19-22 as well as independent claim 23 and dependent claims 26-39 and 41-44 unpatentable. Specifically, Dyer is directed towards a system for transmitting a video-on-demand presentation to a requesting subscriber. This is inherently a unicast program, not a multicasted program. As stated in Dyer's Summary of the Invention, a service provider sends a program directly to the requesting subscriber equipment in order for the subscriber to be able to manipulate (e.g., fast-forward, pause, rewind, etc.) the program. The video session manager interacts with the server to request a particular information program stream in response to the subscriber demand. The video session manager then opens a "session" for a given subscriber and sends the requested program stream through the cable transport network to the subscriber terminal. In this light, there is no teaching or motivation for Dyer to combine Du's teachings. Specifically, there is no requirement for Dyer to copy a program stream since a requested program stream is unicast to the requesting subscriber. There is also no motivation to combine Du's teachings of providing each packet and copied packet to a buffer, which corresponds to an output modulator, since there is no requirement for Dyer to buffer multiple copies of packets. Furthermore, there is no motivation for Dyer to append a data unit header, which associates each packet and copied packet with a transmitting modulator.

It is also believed that independent claim 45 and dependent claims 49-55 are patentable over Dyer for the same reasons discussed above. Specifically, claim 45 is directed towards a plurality of modulators that modulate and transmit a PID streams that are the same (i.e., multicasted). This is not taught in Dyer's unicast video session manager, which modulates and transmits a requested program to a single subscriber in order for the subscriber to manipulate the program stream.

Reconsideration and reexamination of the present application is requested in view of the foregoing amendment and remarks.

CONCLUSION

The foregoing is submitted as a full and complete response to the Office Action dated February 9, 2007. Claims 1, 4, 6-17, 19-23, 26-39, 41-45, and 49-55 will be pending in the present application upon entry of the present amendment, with claims 1, 23, and 45 being independent. Based on the amendments and remarks set forth herein, Applicant respectfully submits that the subject patent application is in condition for allowance. Because the claims may include additional elements that are not taught or suggested by the cited art, the preceding arguments in favor of patentability are advanced without prejudice to other bases of patentability.

Upon entry of the foregoing Response, the above-identified patent application includes 3 independent claims. Because Applicant has previously paid for 55 total claims and 3 independent claims, Applicant submits that no additional fee is due. Should it be determined that any additional fee is due or any excess fee has been received, the Commissioner is hereby authorized to charge any fees which may be required or credit any overpayment to deposit account #19-0761.

Should the Examiner have any comments or suggestions that would place the subject patent application in better condition for allowance, he is respectfully requested to telephone the undersigned agent at the below-listed number.

Respectfully submitted:

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